

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

Cornilius Bernard Hargett,

Case No.: 2:19-cv-00460-JAD-EJY

Plaintiff

V.

Mississippi Bureau of Narcotics, et al.,

## Order Dismissing and Closing Case

## Defendants

10 Plaintiff Cornilius Bernard Hargett brings this civil-rights lawsuit to redress constitutional  
11 violations that he claims he suffered in Mississippi, Louisiana, and Nevada. When Hargett's  
12 mail from the court began to be returned, the Court ordered him to file a notice of changed  
13 address by October 4, 2019.<sup>1</sup> That order expressly warned Hargett that this case would be  
14 dismissed if he did not update his address by the deadline. That order, too, was returned, Hargett  
15 has not updated his address, and his mail continues to be returned.<sup>2</sup>

16 District courts have the inherent power to control their dockets and “[i]n the exercise of  
17 that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.<sup>3</sup> A  
18 court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a  
19 court order, or failure to comply with local rules.<sup>4</sup> In determining whether to dismiss an action

<sup>1</sup> ECF No. 20.

<sup>2</sup> See, e.g., ECF No. 21.

<sup>3</sup> *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

<sup>4</sup> See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 on one of these grounds, the court must consider: (1) the public's interest in expeditious  
2 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the  
3 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the  
4 availability of less drastic alternatives.<sup>5</sup>

5 The first two factors, the public's interest in expeditiously resolving this litigation and the  
6 court's interest in managing its docket, weigh in favor of dismissal of the plaintiff's claims. The  
7 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a  
8 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading  
9 ordered by the court or prosecuting an action.<sup>6</sup> A court's warning to a party that its failure to  
10 obey the court's order will result in dismissal satisfies the fifth factor's "consideration of  
11 alternatives" requirement,<sup>7</sup> and that warning was given here.<sup>8</sup> The fourth factor—the public  
12 policy favoring disposition of cases on their merits—is greatly outweighed by the factors  
13 favoring dismissal.

14 Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY  
15 ORDERED that **this case is DISMISSED** for failure to file a notice of changed address as  
16 directed by the court, and **all pending motions [ECF No. 15] are denied without prejudice as**  
17 **moot. The Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE**  
18 **THIS CASE.**

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20 U.S. District Judge Jennifer A. Dorsey  
21 Dated: October 7, 2019  
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<sup>5</sup> *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;  
*Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

<sup>6</sup> See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

<sup>7</sup> *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

<sup>8</sup> ECF No. 20.